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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,460	04/06/2001	Christopher Maier	740	6163

23659 7590 11/19/2004
MICHAEL D CARBO, PLC
700 WHITNEY BANK BUILDING
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EXAMINER

GRANT II, JEROME

ART UNIT PAPER NUMBER

2626

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,460

Applicant(s)

MAIER, CHRISTOPHER

Examiner

Jerome Grant II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Jerome Grant II
Patent Examiner

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1.

The drawings are objected to because there is no illustration of hardware or steps to make the invention. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2.

Claims 3-6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, line 1, there is no antecedent basis for " the developing act". Correction is required.

In claim 10, paragraph (d), there is no antecedent for "the covered side" Also there is no antecedent basis for " the material covered template".

3.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Kobayashi.

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With respect to claim 1, Kobayashi teaches a method of rendering a mosaic image onto a surface of an object (shown by figure 4-1), the method comprising the steps of: generating digital data via image input unit 1 corresponding to a first image, the digital data being capable of being used and manipulated by image editing computer software (see col. 4, lines 51-55 where analog data is converted to digital to be edited by CPU 2 which is a type of computer means, see also col. 26, lines 12-16; creating a template having grid cells containing a plurality of tones corresponding to a weighted value of tones 24 contained in corresponding areas of the first image, (see col. 17, lines 18-24) where a user creates a template by keying in the size of the matrix and the tonal values are prepared according to step 102, see col. 16 beginning at line 66; and creating a mosaic image by covering the template with pieces of material. The pieces of material are located on the surface of the output drum 20 upon which a recording sheet is placed. The piece of material includes toner or ink used to replicated an image on the recording medium having a range of tones corresponding to the plurality to the plurality of tones contained in the grid cells (user created template).

With respect to claim 2, Kobayashi teaches whereby the first image is a photographic portrait (neo-impressionist painting) and the generating act comprises scanning the photographic portrait (see col. 4, lines 30-34).

With respect to claim 3, Kobayashi teaches whereby a developing act comprises using digital image editing software (col. 4, lines 51-55 and col. 26, lines 12-16) to

manipulate the digital data to create the template (see col. 17, lines 18-24 where the user creates the template.

With respect to claim 4, Kobayashi teaches whereby the template is printed onto a sheet of material, see unit 6 in figure 1 and col. 5, lines 5-10.

With respect to claim 5, Kobayashi teaches whereby the template is affixed to the surface of the object by laser recording onto which the mosaic image (onto the recording drum) is created. See col. 21, lines 10-15.

With respect to claim 6, Kobayashi teaches the template is inscribed by laser recording onto the surface of the object, see col. 21, lines 10-15.

With respect to claim 9, this limitation is inherent with respect to the fact that the user is setting up the cell size and color tones according to col. 17, lines 18-25.

With respect to claim 10, as best can be determined in view of the 112 rejection above, the following rejection is being made. Kobayashi teaches a method of rendering a mosaic image onto a surface of an object (shown by figure 4-1), the method comprising the steps of: generating digital data via image input unit 1 corresponding to a first image, the digital data being capable of being used and manipulated by image editing computer software (see col. 4, lines 51-55 where analog

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data is converted to digital to be edited by CPU 2 which is a type of computer means, see also col. 26, lines 12-16; creating a template having grid cells containing a plurality of tones corresponding to a weighted value of tones 24 contained in corresponding areas of the first image, (see col. 17, lines 18-24) where a user creates a template by keying in the size of the matrix and the tonal values are prepared according to step 102, see col. 16 beginning at line 66; and creating a mosaic image by covering the template with pieces of material. The pieces of material are located on the surface of the output drum 20 upon which a recording sheet is placed. The piece of material includes toner or ink used to replicated an image on the recording medium having a range of tones corresponding to the plurality to the plurality of tones contained in the grid cells (user created template). Kobayashi teaches adhering the side of the material covered template against the surface of the object (by use of laser recording of the template onto a recording medium, see col. 21, lines 10-15; and removing the template from the adhered materials by inherent application of reprinting the template work by providing overcoats for subsequent printing, see col. 12, lines 66-69.

4.

Claims Objected

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

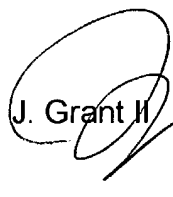
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5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4391. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 J. Grant II
JEROME GRANT II
PRIMARY EXAMINER